

**IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION**

UNITED STATES OF AMERICA                  )  
  )  
  )  
V.   )   CR. No.: 2:06cr14-WKW  
  )  
MOSES PENNIC, III                             )

**JOINT MOTION TO CONTINUE TRIAL**

COMES NOW the Defendant, **MOSES PENNIC, III**, through undersigned counsel, Donnie Bethel, pursuant to 18 U.S.C. 3161 §§ (h)(8)(A) and (h)(8)(B), and respectfully moves this Honorable Court for an Order continuing this matter from the January 2007 Trial Term. In support of this motion, the Defendant would show the following:

1. This case is now set for trial on January 8, 2007. Mr. Pennic was originally represented by Barry Teague, who is now deceased. At the end of August 2006, the Federal Defenders Office was appointed to represent Mr. Pennic. The trial was subsequently continued from October 2006 until January 2007 at the request of Undersigned Counsel to allow for sufficient investigation of the case.

2. Previously, Assistant United States Attorney (AUSA) David Cooke was the prosecutor assigned to this case. Negotiations between AUSA Cooke and Undersigned Counsel toward the goal of resolving this case by way of a plea were unfruitful. In November 2006 AUSA Cooke left the employment of the United States Attorney's Office, and on December 6, 2006, AUSA Todd Brown entered his notice of appearance on behalf of the Government.

3. Negotiations between AUSA Brown and Undersigned Counsel have been substantially more fruitful, and the parties now believe it is likely that this case can be resolved by

way of guilty plea. First, however, Government agents desire to debrief Mr. Pennic pursuant to a cooperation agreement. Due to the Christmas and New Year's holidays, that debriefing can't be scheduled until January 2007. It will be impossible to complete the debriefing and negotiate a plea agreement prior to the scheduled trial date of January 8, 2007. Therefore, the parties request that this case be continued to allow sufficient time to complete the debriefing and plea negotiations.

6. For the foregoing reasons, the ends of justice will be served by the granting of a continuance. The United States, through AUSA Todd Brown, joins in this motion.

**WHEREFORE**, Defendant respectfully requests that this Motion to Continue be granted.

Dated this 22nd day of December, 2006.

Respectfully submitted,

s/ Donnie W. Bethel  
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**CERTIFICATE OF SERVICE**

I hereby certify that on December 22, 2006, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following: Todd Brown, Esq., Assistant U. S. Attorney, One Court Square, Suite 201, Montgomery, Alabama 36104.

Respectfully submitted,

s/ Donnie W. Bethel  
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